

# CITY COUNCIL AGENDA ITEM COVER MEMO

Agenda Item Number \_\_\_\_\_

Meeting Type: Regular

Meeting Date: 1/9/2014

Action Requested By:  
Engineering

Agenda Item Type  
Resolution

Subject Matter:

Modification No. 1 to Land Design Solutions, Inc.

Exact Wording for the Agenda:

Resolution authorizing the Mayor to modify the agreement with Land Design Solutions, Inc. for Landscape Architectural Services for Gateway Greenway Phase II and Adjoining Parking Lot Development, Project No. 65-13-WP01, by Modification No. 1

13-454

**Note: If amendment, please state title and number of the original**

Item to be considered for: Action

Unanimous Consent Required: No

Briefly state why the action is required; why it is recommended; what Council action will provide, allow and accomplish and; any other information that might be helpful.

This modification is for the Gateway Greenway Improvements to complete the pedestrian greenway corridor between the end of the existing 12' wide pathway and the entrance to Gateway Greenway. The improvements consist of a retaining wall on the box culvert and an improved entrance into Gateway Greenway with benches, landscaping, and irrigation for a total modification amount of \$3,150.00. New end date: January 15, 2014. Account No. 23-6500-0811-8415

Associated Cost: \$3,150.00

Budgeted Item: Select...

MAYOR RECOMMENDS OR CONCURS: Select...

Department Head: Kathy Marti

Date: 12/30/13

pk  
TDD  
revised 3/12/2012

# ROUTING SLIP CONTRACTS AND AGREEMENTS

Originating Department: **Engineering**

Council Meeting Date: **1/9/2014**

Department Contact: **Lynn Majors**

Phone # **256-427-5201**

Contract or Agreement: **Modification 1**

Document Name: **Gateway Greenway Project No. 65-13-WP01**

City Obligation Amount: **\$3,150.00**

Total Project Budget: **\$34,920.00**

Uncommitted Account Balance: **0**

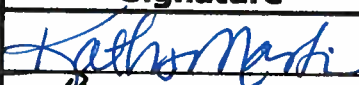


Account Number: **23-6500-0811-8415**

## Procurement Agreements

<b><u>Not Applicable</u></b>	<b><u>Not Applicable</u></b>
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## Grant-Funded Agreements

<b><u>Not Applicable</u></b>	<b>Grant Name:</b>
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Department	Signature	Date
1) Originating		12/30/13
2) Legal		1-3-14
3) Finance		1/3/14
4) Originating		
5) Copy Distribution		
a. Mayor's office (1 copies)		
b. Clerk-Treasurer (Original & 2 copies)		

**RESOLUTION NO. 14-**

**BE IT RESOLVED** by the City Council of the City of Huntsville, Alabama, that the Mayor be, and is hereby authorized, in Huntsville, Alabama, on behalf of the City of Huntsville, a municipal corporation in the State of Alabama to enter into Modification No. 1 to the Agreement with Land Design Solutions, Inc., adopted and approved on the 13th day of June, 2013, by the City Council of the City of Huntsville, Alabama by Resolution No. 13-454, as attached hereto.

**BE IT FURTHER RESOLVED** that the total contract amount be and hereby is modified from THIRTY-ONE THOUSAND SEVEN HUNDRED SEVENTY AND NO/100 DOLLARS (\$31,770.00) to THIRTY-FOUR THOUSAND NINE HUNDRED TWENTY AND NO/100 DOLLARS (\$34,920.00), including this Modification No. 1, an increase of THREE THOUSAND ONE HUNDRED FIFTY AND NO/100 DOLLARS (\$3,150.00). New end date: January 15, 2014. Agreement is substantially in words and figures similar to that document attached hereto and identified as "Modification No. 1 to Agreement between City of Huntsville and Land Design Solutions, Inc. for Landscape Architectural Services for Gateway Greenway Phase II and Adjoining Parking Lot Development, Project No. 65-13-WP01, as adopted by Resolution No. 13-454 of June 13, 2013" consisting of a total of three (3) pages plus four (4) additional pages consisting of Attachment "A", and the date of January 9, 2014, appearing on the margin of the first page, together with the signature of the President or President Pro Tem of the City Council, and an executed copy of said document being permanently kept on file in the Office of the City Clerk of the City of Huntsville, Alabama.

**ADOPTED** this the 9th day of January, 2014.

\_\_\_\_\_  
President of the City Council of  
the City of Huntsville, Alabama

**APPROVED** this the 9th day of January, 2014.

\_\_\_\_\_  
Mayor of the City of Huntsville,  
Alabama

STATE OF ALABAMA     )  
COUNTY OF MADISON    )

Modification No. 1 to Agreement between  
the City of Huntsville and Land Design  
Solutions, Inc. for Landscape Architectural  
Services for Gateway Greenway Phase II  
and Adjoining Parking Lot Development,  
Project No. 65-13-WP01, as adopted by  
Resolution No. 13-454 of June 13, 2013

**THIS IS MODIFICATION NO. 1 TO AN AGREEMENT** entered in on the 13th day of June, 2013, in the amount of THIRTY-ONE THOUSAND SEVEN HUNDRED SEVENTY AND NO/100 DOLLARS (\$31,770.00). The original Agreement is hereby amended by Modification No. 1 dated January 9, 2014, in the amount of THREE THOUSAND ONE HUNDRED FIFTY AND NO/100 DOLLARS (\$3,150.00) for a revised contract amount of THIRTY-FOUR THOUSAND NINE HUNDRED TWENTY AND NO/100 DOLLARS (\$34,920.00), by and between the City of Huntsville, Alabama, a municipal corporation in the State of Alabama (Owner) and LAND DESIGN SOLUTIONS, INC., (LANDSCAPE ARCHITECT).

**WITNESSETH**

**WHEREAS**, the firm identified as the LANDSCAPE ARCHITECT to the Agreement dated June 13, 2013, has proposed a change, identified as Attachment "A" to the Original Agreement. This modification delineates a change to the Gateway Greenway Improvements to complete the pedestrian greenway corridor between the end of the existing 12' wide pathway and the entrance to Gateway Greenway.

**WHEREAS**, the Owner desires that the contract drawings be altered to be consistent with Attachment "A" hereto.

**NOW THEREFORE**, in consideration of the mutual covenants set forth herein, the Owner and the LANDSCAPE ARCHITECT agree to the following modifications to the agreement:

1. Land Design Solutions, Inc. will provide for completion of the pedestrian greenway corridor between the end of the existing 12' wide pathway and the entrance to Gateway Greenway at a lump sum amount of THREE THOUSAND ONE HUNDRED FIFTY AND NO/100 DOLLARS (\$3,150.00). New end date: January 15, 2014.

\_\_\_\_\_  
President of the City Council of the City of  
Huntsville, AL

Date: January 9, 2014

2. Item #1 shall be performed in accordance with the original agreement dated June 13, 2013, and approved by the City Council by Resolution No. 13-454, and as described in the letter from Mike Donnelly to Toneka Dorsey-Lindsey, dated December 19, 2013, shown as Attachment "A".
3. The terms of this contract modification and the execution thereof is not in any way to be viewed as a waiver on the part of the Owner of any of its rights pursuant to the Contract.
4. All other terms and conditions remain unchanged.

**IN WITNESS WHEREOF**, the parties have entered their hands and seals and attest to the same with the signature of the Mayor being the official act of the said municipality in accordance with his duly constituted authority.

THE CITY OF HUNTSVILLE, ALABAMA,  
a municipal corporation

By: \_\_\_\_\_  
Tommy Battle  
Its Mayor

ATTEST:

\_\_\_\_\_  
Charles E. Hagood  
City Clerk-Treasurer

STATE OF ALABAMA     )  
COUNTY OF MADISON    )

I, the undersigned, a notary public in and for said County, in said State, hereby certify that Tommy Battle and Charles E. Hagood, whose names as Mayor and City Clerk-Treasurer of the City of Huntsville, a municipal corporation, are signed to the foregoing instrument, and who are known to me, acknowledged before me on this day that, being informed of the contents of the instrument, they, in their capacity as such officers, executed the same with full authority for and as the act of said corporation on the day the same bears day.

GIVEN under my hand and official seal this the \_\_\_\_\_ day of \_\_\_\_\_, 2014.

\_\_\_\_\_  
Notary Public  
My Commission Expires: \_\_\_\_\_

LANDSCAPE ARCHITECT: LAND  
DESIGN SOLUTIONS, INC.

By: Mike Donnelly

ATTEST:

Mary Hollingsworth

STATE OF ALABAMA    )  
COUNTY OF MADISON    )

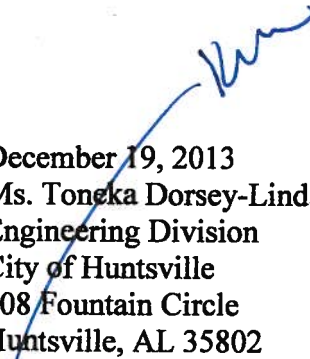
I, the undersigned, a notary public in and for said County, in said State, hereby certify that Mike Donnelly, as President, is signed to the foregoing instrument, and who is known to me, acknowledged before me on this day that, being informed of the contents of the instrument, he, in his capacity as such officer, executed the same with full authority for and as the act of said Corporation on the day the same bears day.

GIVEN under my hand and official seal this the 30th day of December, 2013.

Penelope W. Kelly  
Notary Public  
My Commission Expires: 3-28-15

Land Design Solutions, Inc.  
6996 LINDA STREET  
HUNTSVILLE, AL 35811

Email: mike.donnelly@mchsi.com  
Voice: 256.714.1470

  
December 19, 2013  
Ms. Toneka Dorsey-Lindsey  
Engineering Division  
City of Huntsville  
308 Fountain Circle  
Huntsville, AL 35802

RE: Project Number 65-13-WP01  
Gateway Greenway Phase II and Adjoining  
Parking Lot Development.

Dear Toneka,

Following is our revised proposal for providing additional services, as requested, for Gateway Greenway area at existing box culvert and adjoining area along Meridian Street per attached work area map. Included in project area are improvements including sidewalks, retaining walls, railings, landscaping and irrigation. Land Design Solutions will utilize the services of OMI, Inc. for retaining wall structural design as part of this additional work. Please add an additional 120 days to the design contract.

### **PROPOSAL**

#### **TASK 1: CONSTRUCTION PLANS**

Land Design Solutions shall provide additional Grading, Layout and Construction Details of this additional work to be included in plan package for obtaining bids. OMI will be providing structural design of retaining walls.

**FEES:** Land Design Solutions and sub-consultant shall perform the above additional work for a lump sum fee of \$3,150.00.

Cordially,

  
Mike Donnelly, ASLA



# **OMI, Inc.**

October 9, 2013

Land Design Solutions, Inc.  
6996 Linda Street  
Huntsville, AL 35811

ATTN: Mr. Mike Donnelly

SUBJECT: Proposal for Retaining Walls Design and Geotechnical Consultation  
Gateway Greenway Park Phase II  
Huntsville, Alabama  
OMI Proposal No. P-4128

Gentlemen:

OMI, Inc., is pleased to present this proposal for a retaining wall design for the referenced project. Preparatory to this proposal, OMI discussed the proposed construction with Mr. Mike Donnelly of Land Design Solutions, Inc. This proposal describes the project information and presents a planned scope of work and fee consideration for performing the work.

OMI understands that the proposed Gateway Greenway Park is a City of Huntsville park with hiking trails leading to multiple city parks and a retail outlet area. OMI understands the proposed retaining wall will be located behind the remaining wing walls for the existing culvert located on the eastern border of the site.

OMI has been requested to provide foundation plan and detail drawings. The fee for providing these plans will be \$1,400.00.

To authorize OMI, Inc., to provide these services, please execute and return the attached Work Authorization Sheet. Please note any special instructions or information such as billing or site access requirements on this Work Authorization Sheet. Also enclosed with this proposal are General Conditions which discuss such items as right-of-entry, insurance, and invoicing. These Conditions are considered an integral part of this proposal.



Land Design Solutions, Inc.  
OMI Proposal No. P-4128  
October 9, 2013  
Page 2

\* \* \* \* \*

OMI, Inc., appreciates the opportunity to provide this proposal for services to Land Design Solutions, Inc. Please direct any questions regarding this proposal to the undersigned.

Respectfully submitted,  
OMI, Inc.



Kristalea Dabai, E.I.  
Staff Engineer



Keith J. Mandel, P. E.  
Senior Engineer

Distribution: 1 Copy via email to Mike Donnelly: [mike.donnelly@mchsi.com](mailto:mike.donnelly@mchsi.com)

Attachments: General Conditions  
Work Authorization Sheet  
Site Access Authorization

**OMI, Inc.**

